

STATEMENT OF

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BEFORE THE

**U.S HOUSE OF REPRESENTATIVES
COMMITTEE ON GOVERNMENT REFORM**

REGARDING

**THE ARIZONA BORDER CONTROL INITIATIVE-II, AND THE NATIONAL
BORDER PATROL STRATEGY**

**THURSDAY, MAY 12, 2005,
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CHAIRMAN DAVIS, RANKING MEMBER WAXMAN, AND DISTINGUISHED COMMITTEE MEMBERS, I am honored to appear before you today to discuss the successes and challenges of the Arizona Border Control Initiative and the Border Patrol National Strategy, as demonstrated by the operations and law enforcement initiatives of the Office of Border Patrol, a component of U.S. Customs and Border Protection (CBP).

In my capacity as Commissioner of CBP, before I give you a brief overview of our agency and mission, I would like to take a moment to acknowledge police week and our fallen CBP Border Patrol Agents Travis Attaway, George DeBates, James Epling, and Jeremy Wilson. Earlier today, I attended a ceremony acknowledging the officers and their families, who have made the ultimate sacrifice protecting our Nation. These officers on America's frontline who gave their lives in the line of duty deserve our appreciation.

Two years ago, the separate and distinct entities of Immigration Inspectors, Agricultural Inspectors, Customs Inspectors, and the U.S. Border Patrol merged to form U.S. Customs and Border Protection (CBP) within the Border and Transportation Security (BTS) Directorate of the Department of Homeland Security (DHS). By unifying all frontline personnel and functions with law enforcement interdiction responsibilities at our Nation's borders, we have combined our skills and resources to be far more effective and efficient than we could be as separate agencies.

CBP, as the guardian of the Nation's borders, safeguards the homeland—foremost, by protecting the American public against terrorists and the instruments of terror; while at the same time enforcing the laws of the United States and fostering the Nation's economic security

through lawful travel and trade. Contributing to all this is the Border Patrol's time-honored duty of interdicting illegal aliens and drugs and those who attempt to smuggle them across our borders. We cannot protect against the entry of terrorists and the instruments of terror without also reducing illegal migration across our borders.

CBP Border Patrol's National Strategy has made a centralized chain of command a priority and has increased the effectiveness of our agents by using intelligence driven operations to deploy our resources. The Strategy recognizes that border awareness and cooperation with our law enforcement partners is critical. Partnerships with the Department of the Interior, ICE, DEA, FBI, state and local law enforcement agencies and state Homeland Security offices play a vital role in having and disseminating information and tactical intelligence that assists in a quick and nimble response, which is essential to mission success.

Historically, major CBP Border Patrol initiatives, such as *Operation Hold the Line*, *Operation Gatekeeper*, and *Operation Rio Grande* in our El Paso, San Diego, and McAllen Sectors, respectively, have had great border enforcement impact on illegal migration patterns along the southwest border, proving that with the proper resources, a measure of operational control is possible. Together, they have laid the foundation for newer strategies and enforcement objectives and an ambitious plan to gain operational control of our Nation's borders, particularly our borders with Mexico.

These new initiatives will significantly affect illegal migration as we seek to bring the proper balance of personnel, equipment, technology, and infrastructure into areas experiencing

the greatest level of cross-border illegal activity along our Nation's frontiers. An example of one of these initiatives is the Arizona Border Control Initiative (ABCI), currently in Phase Two. In this effort, CBP is leading the operational multi-agency effort including DHS agencies and other federal, state, tribal and local law enforcement organizations and the Government of Mexico, bringing together resources and fused intelligence into a geographical area that has been heavily impacted by illicit smuggling activity. Our efforts include building on partnerships with the Government of Mexico to create a safer and more secure border through the Border Safety Initiative. In 2005, bi-national search and rescue training is continuing, more public service announcements are scheduled, and CBP is working with the State Department to improve equipment and communication to make our shared border safer and more secure. In doing so, we continue to make a significant positive gains in fighting terrorism, curbing illegal migration, and reducing crime in the Arizona border area.

Recognizing that we cannot control our borders by merely enforcing at the "line," our strategy incorporates a "defense in depth" component, to include transportation checks away from the physical border. We will not be able to achieve control of the border unless our apprehensions demonstrate the futility of attempting to enter the United States illegally. Checkpoints are critical to our patrol efforts, for they deny major routes of egress from the borders to smugglers intent on delivering people, drugs, and other contraband into the interior of the United States. The additional agents used to man these checkpoints, blended with infrastructure, and technology increase the probability of arrest of those who attempt to circumvent primary inspection at the checkpoint. Permanent checkpoints allow CBP Border Patrol to establish an important second layer of defense.

Because of the complexity and the enormity of our law enforcement challenge, efforts to build a better relationship with law enforcement agencies across the United States have been initiated and are constantly being improved. Building on our relationship with these agencies, CBP Border Patrol worked with the DHS Office of Domestic Preparedness to administer Operation Stonegarden from October 25, 2004, through January 21, 2005. Operation Stonegarden effectively used the resources of 214 state, local, and tribal law enforcement agencies to enhance border security through the disbursement of overtime funding. The end result of Operation Stonegarden was more security along our Nation's borders coupled with an improvement of working relationships between CBP and local law enforcement agencies.

At the southwest border with Mexico, the establishment of Border Patrol Mexican Liaison Units (MLUs) works to achieve the same goals of greater border security and improved working relationships. The program has already had much success in areas requiring the sharing of unclassified information, as well as cooperative enforcement efforts and border safety initiatives, to name a few. Even though we have improved upon these relationships, we continually seek opportunities to expand and refine our collaboration with the Government of Mexico to increase interdiction and deterrence of special interest aliens along the southwest border. The Government of Mexico has shared information regarding arrests of transnational threats, to include suspected members of Mara Salvatrucha, also known as MS-13, and special interest aliens traveling through Mexico with the intention of entering the United States illegally. Just recently, the capture and arrest in Arizona of 59 Mexican nationals in a local hotel led to the

identification of two of six escaped convicts from a Nogales, Sonora, Mexico, jail after Mexican authorities placed a lookout on the subjects, who were considered armed and dangerous.

In the spirit of this partnership, the United States Government has negotiated several agreements with Mexico with which CBP has been closely involved. These include the US-Mexico Border Partnership 22-point Plan, signed March 2002 by former Secretary of State Powell and Mexican Secretary of Government Creel. Other examples include the 2004 Border Action Plan and the US-Mexico Repatriation MOU signed in February 2004. The Border Patrol has significant involvement in the interior repatriation commitments in these agreements. The North American Security and Prosperity Partnership announced by President Bush, President Fox, and Prime Minister Martin on March 23rd, will further advance and complement these security initiatives as we implement the second phase of the Arizona Border Control Initiative.

ABCI, phase II, began on March 25, 2005. The strategic objectives are to reduce the unacceptable levels of illegal cross border traffic in the state of Arizona, reduce border crossing exposure deaths, and reduce the impacts on social services. The Tucson and Yuma Sectors currently account for 52% of all Southwest border apprehensions. In response to this activity, CBP has selected 155 seasoned Border Patrol agents to be reassigned to the Arizona border and 379 CBP Border Patrol trainees will be assigned to Arizona over the course of the year. 200 agents are temporarily assigned to this area to provide an additional enforcement presence while the transfers are processed. These include search and rescue, aircraft, and support personnel and will enhance the efforts of the 2175 agents currently assigned to the Tucson Sector and the 396 agents in the Yuma Sector.

ABCI Phase 2 is the Department's follow on to a successful Phase 1. In brief some of the positive impacts from ABCI Phase 1 were as follows:

- A joint use facility on the Tohono O'odham Nation was opened for use on October 26, 2004. The Tohono O'odham Police Department (TOPD), the Border Patrol, and other BTS agencies are co-located at this facility to improve the efficiency of border enforcement operations on the Tohono O'odham Nation. This facility replaced the temporary Border Safety Initiative (BSI) facility. The new facility provided a convenient location where persons who were found in distress in the West Desert could be treated, increasing the potential of saving lives and reducing medical costs in the West Desert area.
- Illegal alien encounters by TOPD officers during the ABCI time period decreased 54% as compared with the same time period the previous year (2,374 versus 1,074). TOPD reported that there was a "substantial reduction" in the number of citizen calls relating to illegal aliens in 2004. As compared with the same time period in 2003, TOPD estimates that officer time spent on illegal alien related calls dropped by about 60%.
- The transportation hub efforts at Phoenix Sky Harbor and Tucson International Airports firmly established a security presence and deterred multiple smuggling incidents. Agents made 779 total arrests at Phoenix Sky Harbor. Intelligence received indicated that suspected smugglers would often drive away without off-loading illegal aliens after seeing the marked Border Patrol vehicle in front of the airport.
- Operation ICE Storm, which was initiated prior to ABCI, but continued as an integral component of ABCI, contributed significantly to the disruption smuggling organizations operating in the metropolitan Phoenix area. Initiated by the Phoenix Office of U.S. Immigration and Customs Enforcement (ICE) Operation, ICE Storm, in cooperation with the Phoenix Police Department, and CBP Border Patrol, forced smuggling organizations

to relocate drop/stash houses from within the city limits of Phoenix. Trends during ABCI-1 indicated that smugglers moved their drop/stash houses from the Phoenix city limits to more remote suburbs, specifically Peoria and Glendale, Arizona. In two separate incidents in early May 2004, the Phoenix ICE office responded to Glendale Police Department calls regarding hostage situations involving weapons. The Phoenix ICE office gained intelligence indicating smuggling organizations moved loads to the Los Angeles area and utilized the drop house infrastructure there until smuggling fees are paid.

- Some statistics from ABCI, including Operation ICE Storm, from September 2003 through September 2004:
 - 290 defendants were charged and indicted through Federal, state, and foreign courts for alien smuggling and violence related crimes.
 - Approximately 30% of the prosecutions were hostage taking, kidnapping, and weapons violations through Federal and state courts.
 - Approximately 55% of the prosecutions relate to harboring, most involving sentencing enhancements for the use of weapons and intimidation and threats.
 - Approximately 5.5 million in United States funds were frozen or seized.
 - A total of 5,058 smuggled aliens were arrested.
 - Border Patrol vehicle seizures increased 461%.
 - Marijuana seizures increased by 51%.
 - Alien related kidnapping decreased 83% in the Phoenix area.
 - Weapons Seizures decreased 60% in the Phoenix area.
 - 45% decrease in Phoenix for homicides in 2nd quarter of FY 2004, compared to FY03.
- Through the Arizona High Density Drug Trafficking Area (HIDTA), other law enforcement agencies supported the ABCI. This was done by sustained and focused presence in support of ABCI areas of focus. Local law enforcement agencies, utilizing their own authorities and regulations, arrested suspected load car drivers prior to picking up smuggling loads along border area smuggling routes. The arrests

of drivers by enhanced local law enforcement activities in support of the ABCI impacted smuggling organizations by creating a significant disconnect or disruption between the smuggler and the smuggled aliens. In FY04, 1,074 HIDTA Cobija operations were completed within Arizona. Many of these operations were within the ABCI area of responsibility, and they directly enhanced the effectiveness of the ABCI. The combined results of these operations culminated in 286 narcotics seizures totaling 67,499.33 pounds of marijuana; 1,647.48 pounds of cocaine; 197.39 pounds of met amphetamine, and 22.51 pounds of heroin.

Today, violent criminal enterprises and terrorist organizations continue to pose a transnational threat to the national security of both the United States and Mexico. These transnational threats exploit the lack of sustained binational law enforcement collaboration on both the U.S. border with Mexico as well as Mexico's border with Guatemala. These threats, if left unchecked, will likely overwhelm limited law enforcement resources available to address border security issues. This can be seen in today's headlines with regard to gang activity in our interior related to MS-13, as well as other cross-border-related crimes. Progress is continually being made on these issues through meetings between Chief David Aguilar, myself, and our Mexican counterparts to discuss methods essential in the mitigation of border security threats and expansion of border safety.

Recently, the Government of Honduras shared information regarding one of its most wanted and sought-after criminals, a leader of MS-13, who had escaped Honduran authorities after being arrested in connection with a brutal bus massacre. As a result, the suspect was apprehended and the U.S. Attorney's Office accepted the case for illegally reentering the United States, while law enforcement and the intelligence community confirmed his identity in

Honduras. This example demonstrates that information sharing at this level is necessary and vital to ensure that transnational threats are identified and targeted.

The America's Shield Initiative is another component of our National Strategy to build smarter borders. ASI is an effort to develop a comprehensive and unified system of electronic surveillance of our entire land border. This is critical to the Border Patrol's ability to increase apprehension capabilities, effectively deploy scarce manpower, and thereby establish greater control of our borders. Nationwide integrated ASI capabilities will provide the Border Patrol with a tactical, command and control, situational awareness and intelligence collection and management system. In FY 2006, we intend to broaden our ASI coverage of the northern and southern borders by deploying the system where no coverage currently exists. In addition, with the advent of ASI, system capabilities will be improved to upgrade the sensor and video surveillance capabilities of currently installed components, integrate new, state of the market surveillance technologies and increase interoperability with other law enforcement agencies.

ASI acts as an important force-multiplier that allows Border Patrol agents to remotely monitor the border and respond to specific illegal border crossings. Expanding the portion of the border covered by electronic surveillance, integration of new components and technologies, and improved Agent support equipment via the ASI program will provide the Border Patrol with an enhanced ability to meet our priority mission threats.

In order to make sure that information from DHS' Automated Biometric Identification System (IDENT) and the FBI's Integrated Automated Fingerprint Identification System (IAFIS)

is available to Border Patrol agents in the field, DHS deployed fully integrated IDENT/IAFIS terminals to all Border Patrol stations. The integrated workstations capture biometric and biographical information through the use of a “10-print” finger scan machine. The officer needs to capture an individual’s “10-prints” only once to reap the benefits of running checks in both IDENT and IAFIS. From the single capture of fingerprints, “2-prints” are used to check IDENT for immigration violators and other criminals; the full “10-prints” are sent to IAFIS to check approximately 48 million criminal history records. The goals of the system are to identify repeat offenders and identify criminal aliens so that they may be detained. For FY 2005 through 4/28/05, IDENT/IAFIS technology assisted Border Patrol agents in the arrest of 297 homicide suspects, 110 kidnapping suspects, 448 sexual assault suspects, 674 robbery suspects, 4128 suspects for assault, and 8224 suspects involved with illegal drugs. There have been a total of 80,203 IAFIS hits this year to date.

As a part of the Arizona Border Control Initiative, the Department of Defense provided Unmanned Aerial Vehicle (UAV) support for CBP Border Patrol operations in June 2004. We have evaluated the lessons learned from the Hermes and Hunter UAV operational evaluations and are focusing on acquiring a UAV that meets specific CBP operational mission requirements. While CBP’s procurement process is being completed, CBP has deployed a Cessna 206 and two Piper PA-42 Cheyenne airplanes to cover areas on the Arizona border where UAVs were conducting operational evaluations. These assets do not have the same endurance as a UAV but they are equipped with electro-optical and infrared sensors similar to those that the UAVs were using during the feasibility study. These air assets provide a like capability when deployed

collectively and provide a force multiplier to our agents in Arizona that improves their effectiveness.

Nationally, CBP is tasked with a very complex, sensitive, and difficult job, which historically has presented immense challenges. Challenges we face every day with vigilance, dedication to service, and integrity as we work to strengthen national security and protect America and its citizens. I would like to thank Chairman Davis and the committee, for the opportunity to present this testimony today and for your support of CBP and DHS. I would be pleased to respond to any questions that you might have at this time.